# CITY OF ROCKVILLE COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

TO: Board of Appeals

FROM: JimWasilak, Chief of Planning

Bobby Ray, Principal Planner

**PLANNER:** Nicole Walters, Planner I

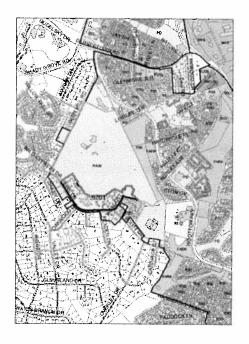
**Planning Commission Meeting Date:** 

September 23, 2009

**Board of Appeals Hearing Date:** 

October 3, 2009

**SUBJECT:** Special Exception (SPX2010-00379) and Variance Application (VAR2010-00005) for the National Lutheran Home located at 9701 Veirs Drive, Rockville, Maryland 20850.



**RECOMMENDATION**: That the Board of Appeals **Approve**, subject to conditions, Special Exception Application SPX2010-00379 and Variance Application VAR2010-00005 for the National Lutheran Home located at 9701 Veirs Drive. In addition, that the Board of Appeals approve the waiver from the APFO (Adequate Public Facilities Ordinance) pertaining to school impacts.

**REQUEST:** In accordance with Section 25.15.01 (Special Exceptions) and 25.06.03 (Variances) of the City of Rockville Zoning Ordinance, the applicant (National Lutheran Home and Village) seeks approval to allow the following:

- 1) A 14,000 square foot 3<sup>rd</sup> floor addition to its existing skilled nursing facility;
- 2) A 4,300 square feet one story addition to its administrative offices;
- 3) 54 additional surface parking spaces;
- 4) The conversion of the existing nursing home and housing for senior adults and persons with disabilities Special Exception approvals to a life care facility Special Exception approval;

- 5) A zoning variance from Section 25.15.02.k.3.ii. allowing a 42 foot rear yard setback where 50 feet is required (applicable to nonresidential uses that are developed in the R-400 zone);
- 6) A waiver from the school capacity test of the Adequate Public Facility Ordinance (APFO) requirements; and,
- 7) The applicant will also be seeking a waiver from the impervious surface calculations, which will be determined during the site plan approval process.

### PROJECT / SITE INFORMATION:

Location: 9701 Veirs Drive, Rockville, Maryland 20850

Applicant: Kristina Hughes, Executive Director

National Lutheran Home

Land Use Designation: Institutional / Life Care Facility

Zoning District: R-400 (Residential Estate);

Planning Area: Planning Area 14 (Rockshire and Fallsmead)

Parcel Area: 31.03 acres or 1,351,706 square feet

Building Height: Administrative Addition as proposed: 20 feet,

Nursing Home Addition as proposed: 32.5 feet.

The subject property known as the National Lutheran Home was developed nearly 30 years ago and has been a viable residential component of the community. The property is located on the north side of Veirs Drive approximately 400 feet east of Glen Mill Road. The overall site is 31.03 acres in size and improved with a 300 bed skilled nursing home. One hundred forty-four (144) independent living units (ILUs) have been added to the property in phases, the most recent of which was completed in 2008. The property has direct vehicular access onto Veirs Drive. The tract area is bounded to the north and northwest by the Lakewood Country Club (golf course); and to the east, south and southwest by single unit detached dwelling units. The National Lutheran Home property is extensively landscaped consisting of an array of trees, shrubs, and other planted materials all ranging in species and size.

Surrounding Land Use and Zoning				
Location	Zoning	Planned Land Use	Existing Use	
North	R-400	Private Recreation	Golf Course	
South	County	Residential	Residential	
East	R-200	Residential	Residential	
West	R-400	Residential	Residential	

### PREVIOUS RELATED ACTIONS:

- Special Exception Application, S-21-75, request to develop a nursing home and housing for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on October 9, 1976.
- Appeals Application A-36-76, request for a variance from the maximum building height requirement in the R-E zone, granted by the Board of Appeals on October 9, 1976.
- Use Permit Application U-68-77, to construct a nursing home and housing for the elderly and physically handicapped in the R-E zone, approved by the Planning Commission on October 5, 1977
- Special Exception Application SPX95-00231, request to construct 5 triplex housing units for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on December 2, 1995.
- Use Permit Application USE96-0561, to construct 5 triplex housing units for the elderly and physically handicapped in the R-E zone, approved by the Planning Commission on June 26, 1996.
- Special Exception Application, SPX2004-00350, to construct 5 new onestory triplex housing units for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on March 5, 2005.
- Use Permit Application, USE2005-00690, to construct 5 new triplex cottages for the elderly and physically handicapped in the R-E zone, granted by the Board of Appeals on September 28, 2005.

#### **DEVELOPMENT PROPOSAL:**

#### Administrative Addition

The applicant proposes to add a 4,300 square foot administrative addition to its main building. The proposed administrative addition is located on the entry level and is adjacent to the existing main entry. The additional space will accommodate staff offices, conference rooms, and training space.

### Nursing Home Addition

The applicant proposes to add a 14,000 square foot T-shaped addition to the third floor of the North wing (the wing farthest away from Veirs Drive). The addition will add a nursing unit for a total of 9 units and will redistribute the current bed count of 300 to increase space for resident care and allow for greater efficiency of care and services to the existing nursing home residents. No additional beds are proposed to be added to the nursing home.

#### **RECOMMENDED CONDITIONS:**

Approval of the Special Exception is recommended subject to the following conditions: In addition Staff recommends approval of the variance of the rear yard setback, the APFO School Capacity waiver and the impervious cover waiver as described later in this report. The conditions are:

- 1. Proposed site improvements and building construction activity must be conducted in substantial accordance with the site development and building plans as submitted, or as may be modified by the Board of Appeals in its decision of approval.
- 2. The applicant must comply with the Stormwater Management (SWM) concept plan conditionally approved on June 2, 2009. If Final engineering plans and a permit for construction are not approved and issued by May 4, 2010, the concept plan approval may become void. The site must then comply with the new State of Maryland stormwater regulations.
- 3. The applicant will provide an easement providing access to the public sewers located on the Lakewood County Club property for maintenance purposes.

- 4. A Final Forest Conservation Plan (FCP) shall be submitted in connection with the Site Plan and reflect the following revisions to the Preliminary Forest Conservation Plan:
  - a. Revise the plan to provide a sidewalk from the main entrance to Veirs Drive, adjacent to the proposed Landscaping.
  - b. Eliminate the proposed sidewalks (both sides of entrance drive) from west of the main building, near where the landscaped median is being removed, to Veirs Drive. A number of trees would be removed and/or impacted by the sidewalk.
  - c. Final FCP shall reflect the limits of disturbance needed to construct the rear building addition.
    - i. This shall include staging and storage area as well as access to the building.
    - ii. Tree/Save Protection measures shall be proposed for trees surrounding the rear building.
  - 5. Revise Landscape Plan to reflect available planting space near existing trees, as directed by the City Forester.
  - 6. All Forest Conservation and significant tree replacement requirements shall be met on site.
  - 7. Proposed Van-Accessible spaces should meet the State of Maryland's Handicap Code as part of the Site Plan Application.
  - 8. The new proposed building addition must meet the current building code for height, areas, and separation (fire areas) as part of the building permit application.
  - 9. As part of the Site Plan submission, a phasing plan outlining the area of each construction phase.

- 10. Exits from the new administrative building addition must continue to a public way via a level, slip-resistant walking surface no less than 36 inches in width, to be submitted as part of the project's Site Plan Application.
- 11. All proposed outdoor/exterior site lighting must be installed in accordance with applicable requirements of the City's Landscaping, Screening and Lighting Manual as part of the project's Site Plan Application.
- 12. At the project's site plan application stage, the applicant must demonstrate compliance with the City's Publicly Accessible Art in Private Development Ordinance.

### ANALYSIS AND REQUIRED FINDINGS:

### **Special Exception (SPX2010-00379)**

In accordance with Section 25.10.03 of the City of Rockville Zoning Ordinance, "Life Care Facility" is permitted in the Single Dwelling Unit Residential Zones subject to Board of Appeals approval of a Special Exception. Section 25.15.01.a.2 of the Ordinance identifies the findings required for a Special Exception. Staff finds that the subject application satisfies these finding as follows:

## (a) The proposed use does not violate or adversely affect the Master Plan (The Plan), Zoning Ordinance, or any other applicable law;

The National Lutheran Home application requests expansion and changes to a residential/ institutional use that was developed nearly 30 years ago. The applicant seeks to make its operation more efficient for staff and for residents. The Master Plan's Land use designation of the subject property is for "institutional" land uses and as such the applicant's request is in compliance. While the proposed use has been established for many years, the subject site does not comply with some of the special development requirements now applicable to life care facilities located in the R-400 zone such as: the parking requirements, the rear yard setback requirements and the impervious surface requirements.

With the exception of the setback, parking and impervious surface requirements, the use as proposed adheres to all applicable law.

### **Parking**

The proposed site plan complies with Article 16 of the Zoning Ordinance. The site plan shows 420 spaces where 402 are required. The total number of spaces shown (420) accommodates 28 spaces required by the addition and a six (6)-space deficiency of the existing site. The parking calculation is as follows:

- 1. Hospital or nursing home One (1) parking space per each 1,000 square feet of gross floor area, one (1) parking space per each participating doctor and one (1) parking space per every 2 employees.
- 2. Housing for senior adults and persons with disabilities One (1) parking space per every three (3) dwelling units (all spaces to be located within 150 feet of the building served).
- 3. Offices (other than medical or dental) One (1) parking space per 300 gross square feet including cellars or basements intended for occupancy.

### **Rear Yard Setback Requirements**

The rear yard setback requirement for the subject property is 50 feet. The existing nursing home is set back 42 feet from the rear property line. So that the addition may comply with the rear yard setback requirement, the applicant also submits a request for a zoning variance from the requirement of the ordinance. Variance Application VAR2010-00005, associated with the subject special exception request, is discussed later in this staff report.

### **Impervious Surface Requirements**

The subject property exceeds the 10% impervious surface limitation in the front yard by approximately 2%. This percentage includes the proposed parking spaces and exceeded this requirement prior to the effective date of the new Zoning Ordinance on March 16, 2009. However, staff is recommending that the applicant provide a sidewalk along Veirs Drive to allow for better access to the building(s), thus increasing the imperious surface percentage. The applicant requests a waiver of the front yard impervious surface requirements. Section 25.10.05.d. (Exclusions from Impervious Surface Requirements), allows the Approving Body (i.e., the Planning Commission through the Site Plan process) to waive this requirement if it finds that such a waiver will reduce impacts of paved areas on adjoining residential uses, provides more efficient on-site traffic

circulation, or addresses practical difficulties. Based on this information staff will support approval of the waiver during the Site Plan process.

### (b). The proposed use at the location selected will not:

### i) Adversely affect the health and safety of residents or workers in the area;

As previously noted, the National Lutheran Home site was developed nearly 30 years ago. The site has existed since that time to date with little or no (known) disruption to the surrounding community.

The existing property has several site entrances allowing for direct ingress/egress onto Veirs Drive. Based on the Comprehensive Transportation Report that was submitted with the special exception request, the proposed office and nursing facilities expansion will not increase the trip generation at the site by more than thirty (30)-peak hour vehicle trips, hence the applicant is only required to do an on-site analysis. The applicant has stated that these building expansions will not increase the office staff, nor will it increase the number of nursing beds beyond the 300 that currently exist. For those residents who don't drive, the Lutheran Home provides transportation services to local shopping centers. There is no evidence that the additions to the campus will be detrimental to the public, health and safety of workers or residents in the area.

# ii) Overburden existing and programmed public facilities as provided in Article 20 of this chapter and as provided in the adopted Adequate Public Facilities Standards Manual or

The subject site and building improvements will not overburden site area roadways and streets, public schools, or water or sewer services. Certain classes of land uses are deemed to have little or no impact on some or all-public facilities. As such the deciding body (i.e. the Board of Appeals) may waive full compliance with the APFO provisions if it finds that there will be minimal adverse impact resulting from such a waiver. Such a waiver does not exclude any project from the final adequacy check for water and sewer service, if needed for the project.

In accordance with Article 20 and the APFO standards of the Zoning Ordinance, Nursing Homes and Housing for the Elderly and Physically

Handicapped or other age-restricted residential uses, fall in the class of uses eligible for a waiver from the APFO requirements. The applicant requests that the Board of Appeals waive any requirements pertaining to APFO with regard to public school capacity, since no children will reside on the property. Staff notes that, of the three schools that serve the property, Wootton High School is beyond the 110% capacity in the test year (2011-2012) at 112%. Staff supports the waiver since there are no new residential units created. This does not exempt the project from the other requirements such as transportation, fire/emergency, water and sewer. The applicant will be adding a bathroom to accommodate the administrative building, water service will be provided by extending the existing water system, so no new meter connections will be required. The applicant will however, have to provide a new sewer service. Staff has been working with the applicant to reduce tree impacts resulting from this new service.

The Transportation Report was submitted in accordance with the City's Comprehensive Transportation Review (CTR) analysis for new development projects that generate less than 30 peak hour trips. The Report focused on internal circulation and parking, and non-auto access through and onto the site. The applicant has stated that the proposed building expansions will not increase the number of employees that work on the site or the number of nursing beds.

The use will continue to have two vehicular access points onto Veirs Drive, and will not substantially alter or change vehicular traffic flow movements in and around the site area. In addition, there currently is an existing sidewalk along the applicant's entire street frontage.

## iii) Be detrimental to the use or development of adjacent properties or the neighborhood;

The planned site and building improvements will not significantly alter the subject site use since it has existed for over 30 years and will continue to operate much as it has in the past. Staff finds that the use, which serves a specific demographic, has less impact than some of the recommended uses, i.e. such as single unit detached units, which could have a greater impact on many public services.

iv) Change the character of the neighborhood in which the use is proposed considering services provided, population density, character, and number of similar uses; and

The 14,000 square foot, 3<sup>rd</sup> floor nursing home addition is currently one story lower than the rest of the buildings so the addition will make the height of the wing consistent with the other wings of the building. The nursing home addition is also located behind the Lakewood County Club and does not abut residences. The proposed one story, 4,300 square foot administrative addition is located in the front of the building and is adjacent to the existing main entry, and thus would not change the physical character of the existing campus that already exists on the property.

Based on the range of institutional, publicly owned and operated buildings and residential uses in the area, staff finds that the proposed additions would not change the character of the neighborhood.

v) Constitute a nuisance because of noise, traffic, number of people, or type of physical activity; and

No additional staff, residents or beds are being added under this proposal. As previously noted, the facility will operate generally the way it has operated for many years; these additions are needed to provided greater efficiency in care and services for its long term residents, visitors and staff.

(c). The proposed use complies with all applicable requirements of this Chapter, including, but not limited to, the special requirements contained in Section 25.15.02 and the general purposes of this Chapter contained in Section 25.01.02.

The subject special exception request is submitted in accordance with Section 25.10.03 of the Ordinance. With the exception of the setback, parking and impervious surface requirements, the use as proposed, adheres to all applicable law. The applicant has applied for variance and waivers for these three items. In addition, the application complies with the Adequate Public Facilities Ordinance provided that the Board makes a finding that the school standard is not applicable as discussed previously in this report.

### **Additional Required Findings**

Section 25.15.02 of the Ordinance – Additional Required Findings, the Board must make the additional finding that the site proposed for such use has adequate accessibility to, or provides on-site, public transportation, medical services, shopping areas, recreational and other community services frequently used by residents of such use:

- (a). Minimum Lot Area- Development must be on a record lot of at least five acres. The subject site is approximately 31.03 acres (1,351,706 square feet) in size
- (b). Frontage- The lot must have at least 100 feet of frontage on a public street. The subject site has an excess of 100 feet of frontage on Veirs Drive.
- (c). Setbacks All structures on the site must be set back at least as follows:
  - (i). Front yard: 50 feet The proposed administrative building has a front yard setback of 149 feet; the minimum setback required is 50 feet.
  - (ii) Side and rear yards; the minimum setback required in the zone.

The building has a side setback of 800 feet; the minimum setback required is 20 feet. The building has a rear yard setback of 42 feet; the minimum setback requirement is 50 feet. The applicant in conjunction with the special exception application has filed a variance application for eight (8) feet in the rear yard to construct this addition.

- (d). Lot coverage in R-400 and R-200 Zones Section 25.15.02 (k) of the zoning ordinance requires that the lot coverage for properties zoned R-400 not exceed 30%. The buildings currently cover approximately 16.1% of the property.
- (e). Building Height The nursing home is currently 32.5 feet in height and the addition area is proposed to be consistent with this height (32.5 feet). The administrative building is currently 20 feet in height, with the addition also maintaining this 20-foot building height.

As previously noted, the site has been established for nearly 30 years and many of the services are provided on the campus. The campus has a cafeteria, snack bar, and gift shop. Transportation services are provided to residents. Many of the independent living (ILUs) have their own transportation.

### VARIANCE APPLICATION (VAR2010-00005)

The applicant also submits a request for a zoning variance from the rear yard setback requirement. The applicant is requesting an 8-foot variance from the rear yard setback requirement to construct the addition to the third floor of the nursing home. The rear yard setback required is 50 feet, while the new building addition will be setback 42 feet from the rear yard lot line.

Section 25.05.03 of the ordinance defines a variance as "a modification only of the density, bulk, or area requirement, where owing to conditions unique to the property and not the result of any action taken by the applicant, a literal enforcement of the ordinance would not result in practical difficulty." Pursuant to Section 25.06.03.e. the Board of Appeals may approve a variance if it finds that:

### 1. The variance would not be contrary to the public interest;

As noted throughout this staff report, the land use has been in existence for over 30 years. During the life of this facility there has been no evidence that its use and operation have been contrary to the public interest. The proposed variance will allow the addition to maintain the existing 42-foot rear setback consistent with the original development. The site has no residential units on either side of the campus and is still within the height allowed in the zone. Therefore no significant impact is anticipated as a result of this variance request, nor is the request contrary to the public interest.

Since the planned site improvements will not generate greater than thirty (30) peak hour vehicle trips the planned expansion will not substantively alter or change vehicular traffic flow movements in and around the site area. The use will continue to have two vehicular access points onto Veirs Drive.

## 2. The request for the variance is the result of conditions peculiar to the property and not a result of any action taken by the applicant;

The property is irregularly shaped. At the time of approval the subject property was zoned R-E (Residential Estate) and met the minimum rear yard setback

requirement of 40 feet in effect at that time. The rear yard setback requirements have changed, and the current requirement is 50 feet, thus creating a development nonconformity. The noted changes are specific to the site and not a result of any action taken by the applicant.

### 3. Literal application of the Chapter would result in practical difficulty; and

The addition of the 3<sup>rd</sup> wing will create an architectural balance with the rest of the building. The applicant has stated that the denial of the variance would cause great difficulties in the applicant's ability to improve services to its long-term residents and would create engineering and construction difficulties. This additional space is greatly needed to expand the building area dedicated to residents and staff services, which include activities, therapy, dining and holistic care used by the residents. A separate building (meting setbacks) would defeat the purpose of the desired operational efficiencies.

# 4. The approval of the variance is not inconsistent with the purposes of this chapter.

The approval of the variance would be consistent with the purposes of this chapter, as the proposed use exists and is allowed by a Special Exception. The proposed addition would maintain the same rear setback as currently exists on the site, and has been in existence for several years.

### **PUBLIC OUTREACH:**

In Accordance with the requirements of the Zoning Ordinance, the applicant held pre-application (Feb 25, 2009) and post-application area meetings (July 28, 2009) to provide interested parties an opportunity to hear and ask questions about the proposal. Minutes from these meetings as well as a list of attendees are attached to this report and contained in the project's application file for public review and inspection.

Notification letters were sent by the applicant to properties within the subject site area, per the requirements of the Zoning Ordinance.

### **CONCLUSION:**

Based upon the findings presented, staff recommends that the Board of Appeals **Approve** the Special Exception (SPX2010-00379) and Variance (VAR2010-00005)

applications, subject to the conditions referenced in this staff report. In addition, Staff recommends approval of the waiver requested from the APFO pertaining to school capacity.

### List of Attachments

Attachment "A" - Pre-Application Area Meeting Materials

Attachment "B" – Post Application Area Meeting Materials

Attachment "C" - Stormwater Management Concept Approval Letter

Exhibit "1" - Existing Conditions Plan

Exhibit "2" - Overall Special Exception Site Plan

Exhibit "3" – Detailed Site Plan

Exhibit "4" - Exterior Elevations

Exhibit "5" – Floor Plans



9701 Veirs Drive Rockville, MD 20850-3462

VOICE 301-424-9560 FAX 301-424-9574 FTD for Disabled 800-735-22 www.nlha.com

Kristina E. Hughes Executive Director

February 10, 2009

Dear Friends and Neighbors of National Lutheran Home & Village at Rockville:

You may recall that in September, 2007, we conducted a community outreach meeting to discuss our idea to modestly expand our administrative building space and add parking spaces to our campus. Unfortunately, due to an application moratorium in the City of Rockville we were not able to pursue those ideas at that time. Applications will once again be accepted in the City beginning next month and we would like to resume those projects.

The additional administrative space will be located in a small one-story addition within the courtyard to the west of our main entrance. This space will allow us to accommodate more comfortably our existing administrative staff. We also would like to consider adding an additional level to the north wing of our existing nursing building (i.e., the wing furthest away from Veirs Drive). This wing is currently one-story lower than the other nursing wings, so the addition will make the north wing consistent with the rest of the building. The expanded nursing facility space will improve efficiency and services to our existing residents by increasing the amount of dining space and activity space. No additional nursing home residents or residential units are proposed at this time.

We would be grateful if you would spend a short time with us to discuss these proposals on <u>Wednesday</u>, February 25th, at 7:00 p.m. in Lang Hall located off the main entrance. Light refreshments will be served. If you would like to attend, please RSVP by calling Wendy Nogales at 301-424-9560 x266. If you do not RSVP, but would like to attend anyway, please feel free to join us. If you are unable to attend the reception and would like information about the projects, please let us know.

National Lutheran Home & Village at Rockville deeply values its relationship with its neighbors and the support you have shown over the years. We remain committed to our mission to provide for aged persons whose circumstances may require a comfortable residence with board, clothing, employment, medical attention, and such other comforts as Christian brotherhood may dictate. Your thoughts about our projects are important to us. We hope to see you on February 25th.

With kind regards,

Kristina E. Hughes
Executive Director

ATTACHMENT "A"



National Lutheran Home Community Meeting: Sign in Sheet

February 25, 2009 — — — Location: National Lutheran Home, 9701 Veirs Drive, Rockville, MD 20850, Lang Hall

E-mail Address Check Here if You Would Like	SQ 40L. Cox X	>			
Phone Number E-mail		34-278-590			
Address	Lave Palmer 13326 OAKWOOD DOINE LANGUA DOINE	(3129 Jaskir Hill - 18)			
Name	JANE & STULL G. BB.	Tovact Haran			

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### National Lutheran Home – Administrative Addition Pre-Application Community Meeting Minutes February 25, 2009

A Pre-Application Community Meeting with Neighbors and Community Representatives was held at the National Lutheran Home, 9701 Veirs Drive, Rockville, MD, on February 25, 2009 at 7:00 P.M.

Representatives of National Lutheran Home in attendance:

- Kristina Hughes, Executive Director, NLH
- Frank McGovern, Administrator, NLH
- John Midolo, Chief of Operations, NLH
- Michael Martin, RLPS Architects
- Brian Donnelly, Macris, Hendricks & Glascock
- Stuart Barr, Zoning Counsel, Lerch Early & Brewer, Chtd.

A variety of plans were made available, and various project representatives were on hand to answer any questions. Only five individuals appeared at the meeting so a formal presentation was not provided. Kristi Hughes and other project representatives explained the proposed project and provided general information using the available plans and other visual aides. The project team answered questions about the size, location, and design of the building additions and proposed parking. General questions were raised about the location of the parking spaces and landscaping/buffering. Preference was expressed to avoid parking on Veirs Drive (the project team advised that the additional spaces should address that situation). A question was advised that the project would not impact that drainage). General questions were raised about the timing of the application. Questions were raised about sound from the cooling towers, the possibility of painting exhaust stacks, and the disposition of the fencing located adjacent to the shed on the west side of the campus. No serious concerns or issues were raised about the project.

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Paula Altman Carter Hill Homeowners Assn. 13 Guy Street Rockville, MD 20850

Sandra Ewing Willows of Potomac Homeowners Assn. P.O. Box 39 Germantown, MD 20875

Stuart Levin Willows of Potomac Homeowners Assn. 9915 Juniper Hill Road Rockville, MD 20850

Jacki Frank
Potomac Glen Homeowners Assn.
10715 Cloverbrook Dr.
Potomac, MD 20854

Roberta Senzel Willows of Potomac Homeowners Assn. 9901 Juniper Hill Road Rockville, MD 20850

Olivia Fechter Potomac Glen South HOA 13117 Piney Knoll Ln. Potomac, MD 20854

Wayne Amchin Potomac Glen Community Assn. 13644 Hayworth Dr. Potomac, MD 20854

George Barnes West Montgomerv County Citizens Assn. 10311 Glen Road Potomac, MD 20854

John Dufief Glenora Hills Citizens Assn. 2280 Glenmore Terrace Rockville, MD 20850 John and Lorelei Peter Glen Park Civic Assn. 12641 St. James Road Rockville, MD 20850

Phylis Newfield Potomac Highlands Citizens Assn. 9419 Overlea Drive Rockville, MD 20850

Harry Lehrer Glen Hills Civic Assn. 13304 Ridge Dr. Rockville, MD 20850

Susanne Lee Glen Hills Civic Assn. 12900 Circle Drive Rockville, MD 20850

Nicholas Bruck
Greater Glen Mill Communità ssn.
13008 Mimosa Farm Court
Rockville, MD 20850

Robert Olding Glen Hills School Assn. 12800 Circle Dr. Rockville, MD 20850

Larry Giammo City of Rockill e 111 Maryland Avenue Rockville, MD 20850

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Julius Cinque Northern Montgomerv County Alliance 22300 Slidell Road Boyds, MD 20841

Ronald McNabb TROT 12435 Meadowood Dr. Silver Spring, MD 20904

Pedro Porro Spanish Speaking People of Montgomerv 5729 Bradley Boulevard Bethesda, MD 20814

Wayne Goldstein Montgomery Preservation, Inc. 3009 Jennings Road Kensington, MD 20895 Inn Early Sierra Club - Montgomery County Group 1836 Blue Spruce Lane Salver Spring, MD 20906-3166

Contact Washington Metro Area Transit Authori 600 Fifth Street, NW Washington, DC 20001

John Luke Montgomery County Air Park 2040 Air Park Road Gaithersburg, MD 20879

Jim Humphrey Montgomery County Civic Federation 5104 Elm Street Bethesda, MD 20814 [N500] Lakewood Country Club, Inc. 13901 Glen Mill Road Ro ille, MD 20850

[P703] George H. Simmons Janet Simmons 6053 White Flint Drive Frederick, MD 2170

[Block A, Lot 9] Arnold Anderson A. M. Anderson 9608 Veirs Drive Rockville, MD 20850

[Block B, Lot 2] Samuel S, Norvell, Jr. 13308 Southwood Drive Rockville, MD 20850

[P956] National Lutheran Home for/Aged 9701 Veirs Drive Rockville, MD 20850

Boya F. Conley V. Conley 9219 Scott Drive Rockville, MD 20850

[Block E. Lot 10]
David P. Modell
K. L. Modell
1 Monterra Court
Rockville, MD 20850

[Block E, Lot 21]
Joan Sutton, Trustee
4 Monterra Court
Rockville, MD 20850

[Block A, Lot 13] National Lutheran Home for/Aged 9701 Veirs Drive Rockville, MD 20850 [Block A, Lot I]
Maung T, Hlaing
M, N, Hlaing
9708 Veirs Drive
Rockville, MD 20850

[Block A, Lot 17] Ananth Badrinath Sujatha Badrinath 7206 Oakley Road Glenn Dale, MD 20769

[Block A, Lot 14] Stella T. Gibbs, Trustee 13326 Oakwood Drive Rockville, MD 20850

[Block C, Lot 1] Alan C. Johnson 1112 Grandin Avenue Rockville, MD 20851

[P955] Timothy W. Hahn U. K. Hahn 9304 Veirs Drive Rockville, MD 20850

Jimmy D. Johnson J. H. Johnson 9320 Wescott Place Rockville, MD 20850

[Block E, Lot 11]
Wendy S. Rothman, Trustee, et al
5 Monterra Court
Rockville, MD 20850

[Block E, Lot 20] Michael S, Simon & Karyn R, Simon 6 Monterra Court Rockville, MD 20850 His S. Lu K. C. Lu 9704 Veirs Drive Rockville, MD 20850

Zia Ahmed Shaila Ahmed 9612 Veirs Drive Rockville, MD 20850

William L. Freeh, Trustee, et al 13329 Oakwood Drive Rockville, MD 20850

[Block C, Lot 5]
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Christopher Moore	Ruth Irene Cochrane	
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R Eville, MD 20850	Rockville, MD 20850	13343 Oakwood Drive
20030	2080U	Rockville, MD 20850
Peter L. Shaw		
Martha M. McClelland	John C. Burkinshaw	Glenn R. Meltzer
13510 Bailey Drive	131 Congressional Lane	J. R. Meltzer
Rockville, MD 20850	Rockville, MD 20852	J. R. Meltzer
	1000KVIIIC, IVID 20032	13213 Jasmine Hill Terrace Rockville, MD 20850
Liying Su <b>n</b>		
Lan Xu	Hilary R Gates Truster	
13509 Bailey Drive	Hilary B. Gates, Trustee, et. al. 3323 Glenwood Place	Greg H. Deaver, et. al.
Rockville, MD 20850	Gamerille AD 2176	13212 Jasmine Hill Terrace
20000	ljamsville, MD 21754	Rockville, MD 20850
Yong Keun Kim	Xu Ho	
Myung Ja		David E. Leibowitz
14003 Forest Ridge Drive	Han-Hsing	I D I observe
N. Potomae, MD 20878	13309 Oakwood Drive	J. D. Leibowitz
20070	Rockville, MD 20850	13209 Jasmine Hill Terrace
Dayman 1 17 and 1		Rockville, MD 20850
Raymond Kasparian	A Committee of the Comm	
A. Kasparian	Audrey S. Koch, Trustee	Harold L. Frank
766 Half Moon Drive	13310 Oakwood Drive	L. D. Frank
Bethany Beach, DE 19930-9722	Rockville, MD 20850	13208 Jasmine Hill Terrace
		Rockville, MD 20850
T _ ir S. Jaggi		20000
M. A. Jaggi	Ian C. Jung	Michael G. Wechsler
385 Mystic Street	13317 Oakwood Drive	S. L. Wechsler
Arlington, MA 02474-1107	Rockville, MD 20850	S. L. Wechsler
	UCOUVITIC, IVID ZUOJU	13205 Jasmine Hill Terrace
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	Rockville, MD 20850	Rockville, MD 20850
George E. Kley		20000
V. L. Kley	Ian C. Jung	
1499 3 <sup>rd</sup> Street S.	13317 Oakwood Drive	Leslie R. Stein, et. al. Trustee
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1 tupies, 1 torrea 34102-7438	Rockville, MD 20850	Rockville, MD 20850
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109 Englefield Drive	13320 Oakwood Drive	Douglas B. Hatch
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20070	70820	13300 Southwood Drive
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I. Reichard	Sheila C. Hanz	
	13102 C. Hanz	Joyce W. Hayes, Trustee
15/01 Glen Mill Road	13106 Ashnut Lane	13301 Southwood Drive
Rockville, MD 20850	Herndon, VA 20171	Rockville, MD 20850
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	Rockville, MD 20850	Attn: Eugene A. Cushing
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Janet Simmons	Board of Education	Cliff Michael Blondes
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Aged	10 Monterra Court	Alberto Cuenca
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### Appendix A



### City of Rockville Department of Community Planning and Development Services

### AFFIDAVIT OF PUBLIC NOTICE

I hereby certify and affirm that, pursuant to the City of Rockville Zoning Ordinance No. 19-08, I did give notice by mail of the subject application for development approval to the owners and residents of property that may be affected by the application as reflected on the attached mailing list. The names and mailing addresses of the property owners were obtained from the most current tax assessment records.

I further affirm that the said notice contains the address and/or other readily identifiable description of the property location of the proposed development and the date, time and place of the meeting to be held on the proposed development.

SPX 2010 - 00379 Application #

Applicant

Subscribed and sworn to before me, a Notary Public in and for the State of , County of

day of

My Commission Expires:

- 1. AFFIDAVIT TO BE SIGNED BY THE APPLICANT
- 2. ATTACH COPY OF THE NOTICE LETTER, MAILING LIST AND NOTIFICATION AREA MAP (PROVIDE IN ELECTRONIC FORMAT)
- 3. PLEASE CALL THE PLANNING DIVISION AT (240) 314-8200 FOR ANY QUESTIONS ABOUT THE REQUIREMENTS



9701 Veirs Drive Rockville, MD 20850-3462

VOICE 301-424-9560 FAX 301-424-9574 TTD for Disabled 800-735-2258 www.nlha.com

Kristina E. Hughes Executive Director

July 13, 2009

Dear Friends and Neighbors of National Lutheran Home & Village at Rockville:

You may recall that on February 25, 2009, we conducted a community outreach meeting to discuss our ideas to modestly expand our administrative building space, add an addition to the North wing of our nursing home, and add parking spaces to our campus. We are pleased to update everyone that we have submitted our special exception application to the City of Rockville seeking these approvals (Application #SPX 2010-00379). Our property is located at 9701 Veirs Drive, Rockville, Maryland 20850, where Oakwood Drive, Southwood Drive, and Foxden Drive intersect with Veirs Drive (approximately 400 feet east of the intersection of Glen Mill Road and Veirs Drive).

We are asking the City for three modifications – a 4,300 square foot one-story addition to our administrative building located within the courtyard to the west of our main entrance to accommodate more comfortably our existing administrative staff, conference rooms, and training space; 52 additional surface parking spaces on the campus; and a 14,000 square foot addition to the north wing of our existing nursing building (the wing furthest away from Veirs Drive). This north wing is currently one-story lower than the other nursing wings, so the addition will make the north wing consistent with the rest of the building. The expanded nursing facility space will improve efficiency and services to our existing residents by increasing the amount of dining space and activity space. No additional nursing home residents or residential units are proposed at this time.

In compliance with the City's Zoning Ordinance, a public hearing is tentatively scheduled to be held by the Rockville Planning Commission on September 23, 2009 at 7:00 p.m. Another public hearing is tentatively scheduled to be held by the Rockville Board of Appeals on October 3, 2009 at 9:30 a.m. Separate notices of these hearings will be mailed, and both of these hearings will be held at Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland 20850.

We also would like to invite you to another area community outreach meeting to discuss these proposals and allow you to provide input. The community meeting will be held at National Lutheran Home on Monday, July 27, 2009 at 7:00 p.m. in the Music Room located on the ground level. Light refreshments will be served. We will make every effort to describe the requests and answer any questions. If you would like to attend, please RSVP by calling Wendy Nogales at 301-424-9560 x266. If you do not RSVP, but would like to attend anyway, please feel free to join us. If you are unable to attend the reception and would like general information about the project, please contact John Midolo, Chief of Operations, via phone 301-424-9560 x248 or email place to a contact. Should you have any questions for the City, please contact



Nicole Walters, Dept. of Community Planning and Development Services, City of Rockville, 111 Maryland Avenue, Rockville, MD 20850, at 240-314-8215, or <a href="mailto:nwalters@rockvillemd.gov">nwalters@rockvillemd.gov</a>.

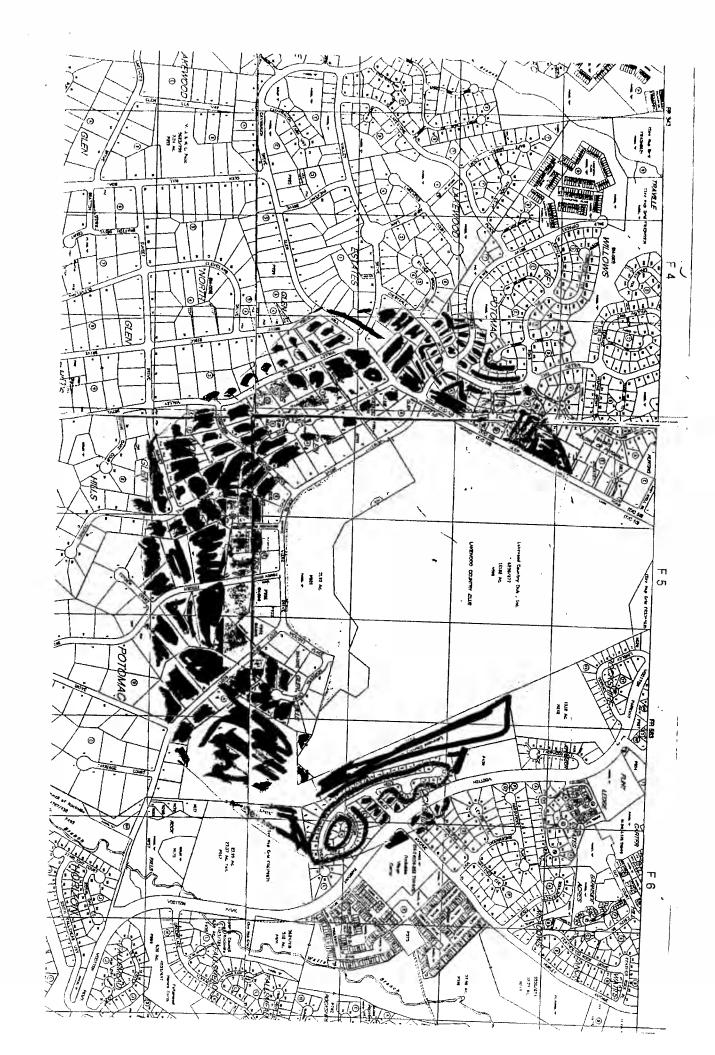
The National Lutheran Home & Village at Rockville deeply values its relationship with its neighbors and the support you have shown over the years. We remain committed to our mission to provide for aged persons whose circumstances may require a comfortable residence with board, clothing, employment, medical attention, and such other comforts as Christian brotherhood may dictate. Your thoughts about our projects are important to us. We hope to see you on Monday, July 27<sup>th</sup>.

With kind regards,

Kristina E. Hughes

Kristina E. Hughes Executive Director

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June 2, 2009

Mr. Steven L. Wilde Macris, Hendricks & Glascock, P.A. 9220 Wightman Road, Suite 120 Montgomery Village, MD 20886-1279

Re: National Lutheran Home - Administration Addition Stormwater Management Concept Plan

SMP2009-00012, PAM2009-00003

Dear Mr. Wilde: Steve

The Stormwater Management (SWM) Concept Plan received on May 4, 2009 for the above referenced site, which is in the Watts Branch watershed, is conditionally approved. The proposed development on the National Lutheran Home for the Aged site consists of an additional floor to a wing of the nursing home, an expansion of administrative offices with associated parking on the 31.3-acre site located at 9710 Veirs Drive.

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Based on your application, the proposed development contains 0.70 acres of disturbed area. Since the disturbed area is less than 50 percent of the entire site area, SWM is only required for the 0.32 acres of impervious area that is located within the limits of disturbance. SWM also is required for a segment of right-of-way (ROW) that is proportional to the disturbed area.

As noted in your application, runoff from a portion of the development area, including the third floor addition and the reconstruction of the turnaround area in the rear of the building, is tributary to the existing regional SWM facility located on the adjacent Lakewood Country Club property. Since the facility is being retrofit to provide full SWM for the tributary watershed in conformance with current requirements, no additional SWM is required for this

The submitted SWM concept proposes the following:

1. Channel Protection Volume (Cpy)

Channel Protection Volume for the site will be provided by SWM alternative, monetary contribution, in lieu of on-site management due to the desire to limit existing tree impacts and the small area requiring management. The total on-site impervious area requiring management is 0.32 acres.

2. Overbank Flood Protection (Op10)

Overbank Flood Protection Management for the site will be provided by SWM alternative, monetary contribution, in lieu of on-site management due to the desire to limit existing tree impacts and the small area requiring management. The total on-site impervious area requiring management is 0.32 acres.

## 3. Pretreatment

Pretreatment of runoff prior to water quality treatment is proposed by a grass channel.

## 4. Water Quality Volume (WQ<sub>v</sub>)

Water quality is proposed via a biofilter area located at the entrance to the site. The proposed facility is sized to provide WQ<sub>v</sub> for the total disturbed area of 0.70 acres and a portion of the total area that is tributary to the biofilter. The tributary area includes existing areas of impervious that are located outside the limits of disturbance. Due to a desire to limit the impact to existing trees, WQ<sub>v</sub> is not proposed for the entire tributary area.

## 5. Recharge Volume (Rev)

Recharge Volume (Re<sub>v</sub>) was not provided for in the submitted concept. However, Re<sub>v</sub> is required and a condition of the approval for this SWM concept is meeting Re<sub>v</sub> requirements for this site.

## 6. Veirs Drive Right-of-Way

In accordance with the City of Rockville's SWM Ordinance, SWM is required for the existing impervious area within 30'of the contiguous ROW proportional to the disturbed area to site tract area. The SWM Concept proposes a SWM alternative, monetary contribution, in lieu of providing on-site SWM due to the inability to collect and management runoff in this portion of the ROW.

This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage:

1. Applicant shall contribute to the City Stormwater fund as a SWM alternative to providing on-site Water Quality, Channel Protection and Qp<sub>10</sub> SWM for the impervious acres within 30' of the contiguous ROW of Veirs Drive that cannot be managed on-site. This monetary contribution has been computed to be approximately \$1,040 based on a proportional amount of impervious area in the ROW at a rate of \$52,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final improvement plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to Department of Public Works (DPW) permit issuance. Since the project is for additional improvements to the site, SWM is only required for a length of ROW that is proportional to the disturbed area. The approximate length is calculated as follows:

Total Disturbed Area = 0.70 ac. Total Site Area = 31.3 ac. Percent of Site Area Disturbed = 2.2%

Total length of ROW along property is approximately 3,000', therefore, the required length of ROW requiring SWM control is:  $(3000') \times (0.022) = 66'$ 

Impervious area within 66' of ROW is: (10' wide pavement) x (66') = 660 sf = 0.02 ac.

Required monetary contribution for quality/quantity control:  $(0.02 \text{ Ac}) \times (\$52,000) = \$1,040$ 

2. Applicant shall contribute to the City Stormwater fund as a SWM alternative to providing on-site Cp<sub>v</sub> and Qp<sub>10</sub> management. This monetary contribution has been computed to be approximately \$12,800 based on the on-site impervious area that cannot be managed onsite, which is 0.32 impervious acres at a rate of \$40,000 per impervious acre. The actual contribution shall be

determined at the time of detailed engineering and must be based upon the final site plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to DPW permit issuance.

- 3. Meeting Re<sub>v</sub> requirements for this site is required.
- 4. Submit for review and approval the construction estimates associated with the SWM plans. Submit detailed storm drain and SWM plans and computations for approval by DPW.
  - a. Provide velocity dissipation measures to prevent erosion from storm flows entering the biofilter area via the existing concrete flume.
  - b. Extend the grass channel approximately 40' to a proposed curb cut located along the existing curb and gutter to ensure the collection of storm runoff for adequate pretreatment. Provide computations verifying pre-treatment at non-erosive velocities.
- 5. The applicant must demonstrate, at detailed engineering, that the ten-year storm event (utilizing the rational method) can be safely conveyed across Veirs Drive through the existing storm drain system. Upgrades to the existing storm drain system may be required if safe conveyance cannot be demonstrated.
- Provide an exhibit showing the impervious areas being treated (quantity and quality), as well as
  the areas covered by a SWM alternative, i.e. monetary contribution including the public ROW.
  Show the proposed SWM structures on this exhibit.
- Submit a Rockville SWM permit application, permit fees and SWM Database Sheet associated with the SWM plans.
- Post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
- Submit a SWM Easement/Maintenance Agreement signed by the property owners for review and approval by DPW and the City Attorney's Office. Approved SWM Easement Agreement for maintenance must be recorded in the Montgomery County Land Records prior to DPW permit issuance.
- 10. Submit a Forest Conservation Plan (FCP) to the Assistant City Forester for review and approval. The FCP must be approved prior to DPW issuing SWM and sediment control permits.

COMAR 26.17.02.03 requires each county and municipality to adopt, by May 4, 2010, a revised ordinance that complies with the recently enacted revisions to the Maryland Department of the Environment (MDE), 2000 Maryland Stormwater Design Manual Volumes I and II. As mandated, the revisions must be applied to all new development and redevelopment projects that do not have final approval for erosion and sediment control and SWM plans by May 4, 2010. Therefore, the applicant is strongly urged to consider this State mandated deadline and potential impacts and implications to the project timing, detailed engineering plan approvals and costs.

This SWM Concept approval will be considered void on May 4, 2010 unless the detailed engineering plans are approved by that date. In addition, this concept approval does not guarantee that an approval of an Erosion and Sediment Control Plan or a SWM Plan will by issued by DPW before May 4, 2010.

Mr. Wilde June 2, 2009 Page 4

Any significant modification, revisions or alterations to the approved types, methods, locations and sizes of SWM measures approved with this SWM Concept may result in the requirement to submit a revised SWM Concept for approval by DPW.

If you have any questions, please contact Daniel Kane, Civil Engineer I, of my staff at 240-314-8523.

Sincerely,

Susan T. Straus, P.E.

Chief Engineer/Environment

STS/mbw

Frank McGovern, National Lutheran Home cc: John Midolo, National Lutheran Home Jim Wasilak, Chief of Planning

Nicole Walters, Planning Technician Elise Cary, Assistant City Forester Mark Wessel, Civil Engineer III

Daniel Kane, Civil Engineer I

Permit Plan Day File

